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David E. Jefferies

Date

8/4/05

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Serial No: 10/047,578
Filed: October 26, 2001
Applicant: Jeffrey S. Kiel et al.
Title: PHENYLEPHRINE TANNATE AND PYRILAMINE TANNATE SALTS
IN PHARMACEUTICAL COMPOSITIONS
Art Unit: 1614
Confirmation No: 4696
Examiner: Brian Kwon
Attorney Docket: PEDI-04 (formerly KIEL-02)

Cincinnati, Ohio 45202

August 4, 2005

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

PETITION TO ACCEPT UNINTENTIONALLY DELAYED CLAIM FOR PRIORITY
UNDER 35 U.S.C. § 119(e)

Applicants hereby petition for acceptance of an unintentionally delayed claim for priority under 35 U.S.C. § 119(e). This Petition includes: (1) the reference to the prior application required by 35 U.S.C. § 119(e); (2) the surcharge required under 37 C.F.R. § 1.17(p); and (3) a statement that the entire delay was unintentional.

(1) An Application Data Sheet under 37 C.F.R. 1.76 in the above-identified application is being filed via facsimile on even date herewith. A copy of this Application Data Sheet is attached as Exhibit A hereto. This Application Data Sheet supplements the information previously provided at the filing and during prosecution of the above-identified application. In particular, with this Application Data Sheet, Applicants provide

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1370.00 DP

the required specific reference to the prior application, which was unintentionally delayed. Applicants note that the specific reference to the prior application can appear as the first sentence of the specification (37 C.F.R. 1.78(a)) or in an Application Data Sheet (37 C.F.R. 1.76). If an Application Data Sheet is used, Applicants note that such Application Data Sheet is considered part of the nonprovisional application for which it has been submitted. And, providing domestic priority information in the Application Data Sheet constitutes the specific reference required by 35 U.S.C. § 119(e), and need not otherwise be made part of the specification (MPEP § 201.11).

(2) Enclosed is a check in the amount of \$1370.00, representing the Petition fee due under 37 C.F.R. 1.17(t). Applicants believe that no additional fees are due. If, however, any additional fee or surcharges are deemed due, please charge same or credit any overpayment to Deposit Account No. 23-3000.

(3) Statement: The entire delay between the date the claim for priority was due under 37 C.F.R. § 1.78(a)(2) or (a)(5) and the date the claim for priority was filed was unintentional.

In view of the above, Applicants submit that a grantable petition has been filed and respectfully request acceptance of this Petition to Accept Unintentionally Delayed Claim for Priority under 35 U.S.C. § 119(e). The Commissioner is invited to contact the undersigned attorney with any questions or remaining issues.

Respectfully submitted,

WOOD, HERRON & EVANS, L.L.P.

By: 

David E. Jefferies, Reg. No. 46,800

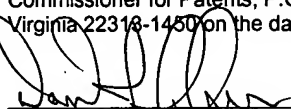
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Cincinnati, Ohio

August 4, 2005

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

TRANSMITTAL

Submitted herewith for filing is a Petition to Accept Unintentionally Delayed Claim for Priority Under 35 U.S.C. § 119(e) with attached Exhibit A, and a check in the amount of \$1370.00.

Respectfully submitted,

WOOD, HERRON & EVANS, L.L.P.

By: 
David E. Jefferies, Reg. No. 46,800

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